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P. 1

CLC Nutraceuticals, LLC
191 Spring Road
North Kingston, Rhode Island 02852
(401)8867600

July 18, 2007

VIA FACSIMILE
Ms. Patricia Leith, Examiner
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Re: Patent Application 10/800,608

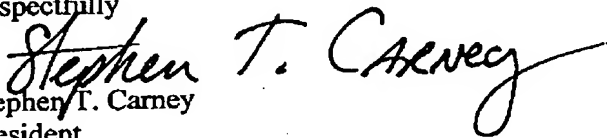
Dear Ms. Leith:

As a further follow up to our telephone conversation in June and the affidavit filed shortly thereafter, please find enclosed herewith the Second Affidavit of Stephen T. Carney outlining the facts regarding the publication of our study on the website made part of your last rejection.

Based on our phone conversation with you and your supervisor back in June and the two affidavits and exhibits filed by me, we have resolved all your outstanding rejections to the issuance of the above referenced Patent. Please contact us at your earliest convenience as to the next step in issuing the Patent in this matter.

Thank you for your anticipated cooperation in this matter.

Respectfully


Stephen T. Carney
President

Enclosures

JUL 20 2007

United States Patent & Trademark Office
Rule 132 Affidavit

Appl. No. : 10/800,608
Applicant : Stephen Truesdale Carney
Filed : March 15, 2004
TC/A.U. : 1655
Examiner : Patricia A. Leith

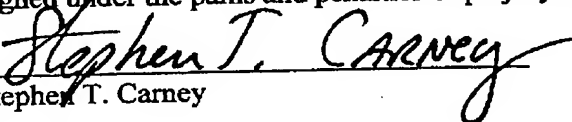
Second Affidavit of Stephen Truesdale Carney

I, Stephen Truesdale Carney, hereby duly depose and say as follows:

1. I reference and incorporate my Affidavit of Stephen Truesdale Carney and restate all statements contained therein. A copy of said affidavit is attached here as Exhibit A.
2. I hired Lawrence D. Rink, M.D. FACC ("Dr. Rink"), to conduct the Folic Acid and Alfalfa, The FALL Study, (the "Study") described and made part of the above referenced Patent Application.
3. After my speech at the International Sprout Growers Association, the Study was published on the website of one of the conference participants International Specialty Supply on or about August 17, 2003. See email from International Specialty Supply representative, Bob Rust, evidencing the same and attached hereto as Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed under the pains and penalties of perjury this 19th day of July, 2007.


Stephen T. Carney

Message

Exhibit. B

cox.net Rhode Island

CHANNELS

- ▼ Home
- ▼ News
- ▼ Weather
- ▼ Money
- ▼ Sports
- ▼ Entertainment
- ▼ Movies
- ▼ Television
- ▼ Features
- ▼ Autos
- ▼ Search

MY ACCOUNT

WebMail

▼ Inbox

Drafts

Sent Mail

~ CC-trash

~ saved folder

~ Spam

Trash

▼ Manage Folders

▼ Internet Tools

▼ Wireless Tools

▼ View/Pay Bill

▼ Customer Support

▼ Order Services

COX SERVICES

▼ For Your Home

▼ For Your Business

▼ Special Offers

- ▶ Travel by Expedia
- ▶ Mortgage Center
- ▶ Credit Reports
- ▶ GM Video Vault
- ▶ Search for Homes

WebMail: Inbox

Read Message

Move to: Drafts

From: Bob Rust <Bob@Sproutnet.com>
 Date: Monday, July 16, 2007 6:39 AM
 To: carneycapital@cox.net
 Subject: Re: Researchers Pouring On the Sprouts
 Size: 31 KB

Steve,

8/17/2003 1:04pm is the most likely date.

Hope this helps,

Bob

----- Original Message -----

From: <carneycapital@cox.net>
 To: "Bob Rust" <Bob@Sproutnet.com>
 Sent: Sunday, July 15, 2007 1:57 AM
 Subject: Re: Researchers Pouring On the Sprouts

> Yes. And I will forward the published version when available. Thanks.
 > Steve

> ----- Bob Rust <Bob@Sproutnet.com> wrote:

>> Steve,

>>

>> Our tech guy is leaving for vacation today. I will catch him when he

>> gets

>> back.

>>

>> By the way, is it still OK to leave that on our website?

>>

>> Thanks,

>>

>> Bob

>>

>>

>> ----- Original Message -----

>> From: <carneycapital@cox.net>

>> To: "Bob Rust" <Bob@Sproutnet.com>

http://webmail.east.cox.net/do/mail/message/view?msgId=INBOXDELIM6510&l=en-us&... 7/20/2007

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United States Patent & Trademark Office
Rule 132 Affidavit

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Applicant : Stephen Truesdale Carney
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TC/A.U. : 1655
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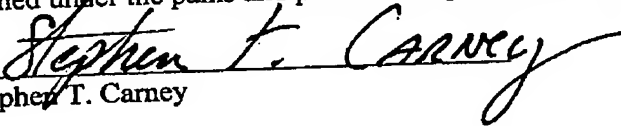
Affidavit of Stephen Truesdale Carney

I, Stephen Truesdale Carney, hereby duly depose and say as follows:

1. I hired Lawrence D. Rink, M.D. FACC ("Dr. Rink"), to conduct the Folic Acid and Alfalfa, The FALL Study, (the "Study") described and made part of the above referenced Patent Application. For your convenience, a copy of said Study is included herewith as Exhibit A. The purpose of the Study was to prove the claims made in the above referenced Patent Application filed on March 15, 2004.
2. On my behalf, Dr. Rink completed the Study on February 12, 2002 at which time he signed and dated the Study.
3. Dr. Rink has never published the Study. See Second Affidavit of Lawrence D Rink, M.D. FACC included herewith for your convenience as Exhibit B.
4. On June 7, 2003, during the construction of my company's website, NCB3.COM, I published the Study on NCB3.COM. See Archive of Website included herewith as Exhibit C.
5. Our first website was completed and was fully operational for the public on November 18, 2003. See Exhibit C.
6. On July 19, 2003, I spoke at a conference presented by the International Sprout Growers Association at which I provided to the attendees our findings from the Study. The Study was later published on the website of one of the conference participants International Specialty Supply. This is the publication you referenced in your last rejection letter to me.
7. To the best of my knowledge, the Study was not published before June 7, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed under the pains and penalties of perjury this 21st day of June, 2007.


Stephen T. Carney